

Senate Bill 255

By: Senator Lucas of the 26th

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To provide a new charter for the Town of Danville; to provide for incorporation, boundaries,
2 and powers of the town; to provide for general powers and limitations on powers; to provide
3 for a governing authority of such town and the powers, duties, authority, election, terms,
4 removal from office, method of filling vacancies, compensation, expenses, and
5 qualifications; to provide for conflict of interest and holding other offices; to provide for
6 inquiries and investigations; to provide for organization and procedures; to provide for
7 ordinances; to provide for eminent domain; to provide for codes; to provide for the office of
8 mayor and certain duties and powers relative to the office of mayor; to provide for a mayor
9 pro tem; to provide for administrative responsibilities; to provide for boards, commissions,
10 and authorities; to provide for a town attorney, town clerk, and other personnel; to provide
11 for the establishment of a municipal court and the judge or judges thereof; to provide for
12 practices and procedures; to provide for taxation, permits, and fees; to provide for franchises,
13 service charges, and assessments; to provide for bonded and other indebtedness; to provide
14 for accounting and budgeting; to provide for contracting and purchasing; to provide for
15 bonds for officials; to provide for definitions and construction; to provide for other matters
16 relative to the foregoing; to provide for severability; to provide for related matters; to repeal
17 a specific Act; to provide for an effective date; to repeal conflicting laws; and for other
18 purposes.

19 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

ARTICLE I

INCORPORATION AND POWERS

SECTION 1.10.

Incorporation and name.

This town and the inhabitants thereof are reincorporated by the enactment of this charter and hereby constituted and declared a body politic and corporate under the name and style Town of Danville, Georgia, and by that name shall have perpetual succession.

SECTION 1.11.

Corporate boundaries.

(a) The boundaries of the town shall be those existing on the effective date of the adoption of this charter with such alterations as may be made from time to time in the manner provided by law. The boundaries of the town at all times shall be shown on a map, a written description, or any combination thereof, to be retained permanently in the office of the town clerk and to be designated as the case may be: "Official Map (or description) of the corporate limits of the Town of Danville, Georgia." Photographic, typed, or other copies of such map or description certified by the town clerk shall be admitted as evidence in all courts and shall have the same force and effect as with the original map or description.

(b) The town council may provide for the redrawing of any such map by ordinance to reflect the lawful changes in the corporate boundaries. A redrawn map shall supersede for all purposes the entire map or maps which it is designated to replace.

SECTION 1.12.

Powers and construction.

(a) The town shall have all powers possible for a municipal corporation to have under the present or future Constitution and laws of this state as fully and completely as though they were specifically enumerated in this charter. The town shall have all the powers of self-government not otherwise prohibited by this charter or by general law.

(b) The powers of the town shall be construed liberally in the favor of the town. The specific mention or failure to mention particular powers shall not be construed as limiting in any way the powers of the town.

SECTION 1.13.

Examples of powers.

(a) Animal regulations. To regulate and license or to prohibit the keeping or running at large of animals and fowl, and to provide for the impoundment of same if in violation of any ordinance or lawful order; to provide for the disposition by sale, gift, or humane destruction of animals and fowl when not redeemed as provided by ordinance; and to provide punishment for violation of ordinances enacted hereunder.

(b) Appropriations and expenditures. To make appropriations for the support of the government and town; to authorize the expenditures of money for any purposes authorized by this charter and for any purpose for which a municipality is authorized by the laws of the State of Georgia; and to provide for the payment of expenses of the town.

(c) Building regulation. To regulate and to license the erection and construction of buildings and other structures; to adopt building, housing, plumbing, fire safety, electrical, gas, heating and air conditioning codes; and to regulate all housing and building trades.

(d) Business regulation and taxation. To levy and to provide for the collection of regulatory fees and taxes on privileges, occupations, trades, and professions as authorized by Title 48 of the O.C.G.A. or other such applicable laws as are or may hereafter be enacted; to permit and regulate the same; to provide for the manner and method of payment of such regulatory fees and taxes; and to revoke such permits after due process for failure to pay any town taxes or fees.

(e) Condemnation. To condemn property, inside or outside the corporate limits of the town, for present or future use and for any corporate purpose deemed necessary by the governing authority, utilizing procedures enumerated in Title 22 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted.

(f) Contracts. To enter into contracts and agreements with other governmental entities and with private persons, firms, and corporations.

(g) Emergencies. To establish procedures for determining and proclaiming that an emergency situation exists within or without the town, and to make and carry out all reasonable provisions deemed necessary to deal with or meet such an emergency for the protection, safety, health, or well-being of the citizens of the town.

(h) Environmental protection. To protect and preserve the natural resources, environment, and vital areas of the town, the region, and the state through the preservation and improvement of air quality, the restoration and maintenance of water resources, the control of erosion and sedimentation, the management of storm-water and establishment of a storm-water utility, the management of solid and hazardous waste, and other necessary actions for the protection of the environment.

85 (i) Fire regulations. To fix and establish fire limits and from time to time to extend, enlarge,
86 or restrict the same; to prescribe fire safety regulations not inconsistent with general law,
87 relating to both fire prevention and detection and to firefighting; and to prescribe penalties
88 and punishment for violations thereof.

89 (j) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection and
90 disposal, and other sanitary service charge, tax, or fee for such services as may be necessary
91 in the operation of the town from all individuals, firms, and corporations residing in or doing
92 business therein benefiting from such services; to enforce the payment of such charges, taxes,
93 or fees; and to provide for the manner and method of collecting such service charges.

94 (k) General health, safety, and welfare. To define, regulate, and prohibit any act, practice,
95 conduct, or use of property which is detrimental to the health, sanitation, cleanliness, welfare,
96 and safety of the inhabitants of the town, and to provide for the enforcement of such
97 standards.

98 (l) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for any
99 purpose related to powers and duties of the town and the general welfare of its citizens, on
100 such terms and conditions as the donor or grantor may impose.

101 (m) Health and sanitation. To prescribe standards of health and sanitation and to provide
102 for the enforcement of such standards.

103 (n) Jail sentences. To provide that persons given jail sentences in the town's court may work
104 out such sentences in any public works or on the streets, roads, drains, and other public
105 property in the town, to provide for commitment of such persons to any jail, to provide for
106 the use of pretrial diversion and any alternative sentencing allowed by law, or to provide for
107 commitment of such persons to any county work camp or county jail by agreement with the
108 appropriate county officials.

109 (o) Motor vehicles. To regulate the operation of motor vehicles and exercise control over
110 all traffic, including parking upon or across the streets, roads, alleys, and walkways of the
111 town.

112 (p) Municipal agencies and delegation of power. To create, alter, or abolish departments,
113 boards, offices, commissions, and agencies of the town, and to confer upon such agencies the
114 necessary and appropriate authority for carrying out all of the powers conferred upon or
115 delegated to the same.

116 (q) Municipal debts. To appropriate and borrow money for the payment of debts of the town
117 and to issue bonds for the purpose of raising revenue to carry out any project, program, or
118 venture authorized by this charter or the laws of the State of Georgia.

119 (r) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or
120 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or
121 outside the property limits of the town.

122 (s) Municipal property protection. To provide for the preservation and protection of
123 property and equipment of the town, and the administration and use of the same by the
124 public; and to prescribe penalties and punishment for violations thereof.

125 (t) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of
126 public utilities, including, but not limited to, a system of waterworks, sewers and drains,
127 sewage disposal, storm-water management, gas works, electric light plants, cable television
128 and other telecommunications, transportation facilities, public airports, and any other public
129 utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties,
130 and to provide for the withdrawal of service for refusal or failure to pay the same.

131 (u) Nuisance. To define a nuisance and provide for its abatement whether on public or
132 private property.

133 (v) Penalties. To provide penalties for violation of any ordinances adopted pursuant to the
134 authority of this charter and the laws of the State of Georgia.

135 (w) Planning and zoning. To provide comprehensive town planning for development by
136 zoning; and to provide subdivision regulation and the like as the town council deems
137 necessary and reasonable to ensure a safe, healthy, and aesthetically pleasing community.

138 (x) Police and fire protection. To exercise the power of arrest through duly appointed police
139 officers, and to establish, operate, or contract for a police and fire-fighting agency.

140 (y) Public hazards: removal. To provide for the destruction and removal of any building or
141 other structure which is or may become dangerous or detrimental to the public.

142 (z) Public improvements. To provide for the acquisition, construction, building, operation,
143 and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries,
144 markets and market houses, public buildings, libraries, public housing, airports, hospitals,
145 terminals, docks, parking facilities, or charitable, cultural, educational, recreational,
146 conservation, sport, curative, corrective, detentional, penal, and medical institutions,
147 agencies, and facilities; and to provide any other public improvements inside or outside the
148 corporate limits of the town; to regulate the use of public improvements; and for such
149 purposes, property may be acquired by condemnation under Title 22 of the O.C.G.A. or such
150 other applicable laws as are or may hereafter be enacted.

151 (aa) Public peace. To provide for the prevention and punishment of loitering, disorderly
152 conduct, drunkenness, riots, and public disturbances.

153 (bb) Public transportation. To organize and operate such public transportation systems as
154 are deemed beneficial.

155 (cc) Public utilities and services. To grant franchises or to make contracts for or impose
156 taxes on public utilities and public service companies; and to prescribe the rates, fares,
157 regulations and standards, and conditions of service applicable to the service to be provided

158 by the franchise grantee or contractor, insofar as not in conflict with valid regulations of the
159 Public Service Commission.

160 (dd) Regulation of roadside areas. To prohibit or regulate and control the erection, removal,
161 and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and all
162 structures or obstructions upon or adjacent to the rights of way of streets and roads or within
163 view thereof, within or abutting the corporate limits of the town; and to prescribe penalties
164 and punishment for violation of such ordinances.

165 (ee) Retirement. To provide and maintain a retirement plan and other employee benefit
166 plans and programs for officers and employees of the town.

167 (ff) Roadways. To lay out, open, extend, widen, narrow, establish, or change the grade of,
168 abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise improve,
169 maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within
170 the corporate limits of the town; and to grant franchises and rights of way throughout the
171 streets and roads, and over the bridges and viaducts for the use of public utilities; and to
172 require real estate owners to repair and maintain in a safe condition the sidewalks adjoining
173 their lots or lands, and to impose penalties for failure to do so.

174 (gg) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,
175 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant
176 and sewerage system, and to levy on those to whom sewers and sewerage systems are made
177 available a sewer service fee, charge, or sewer tax for the availability or use of the sewers;
178 to provide for the manner and method of collecting such service charges and for enforcing
179 payment of the same; and to charge, impose, and collect a sewer connection fee or fees to
180 those connected with the system.

181 (hh) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,
182 and refuse, and to regulate the collection and disposal of garbage, rubbish, and refuse by
183 others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper,
184 and other recyclable materials, and to provide for the sale of such items.

185 (ii) Special areas of public regulation. To regulate or prohibit junk dealers and the
186 manufacture and sale of intoxicating liquors; to regulate the transportation, storage, and use
187 of combustible, explosive, and inflammable materials, the use of lighting and heating
188 equipment, and any other business or situation which may be dangerous to persons or
189 property; to regulate and control the conduct of peddlers and itinerant traders, theatrical
190 performances, exhibitions, and shows of any kind, by taxation or otherwise; to license and
191 tax professional fortunetelling, palmistry, and massage parlors; and to restrict adult
192 bookstores to certain areas.

193 (jj) Special assessments. To levy and provide for the collection of special assessments to
194 cover the costs of any public improvements.

195 (kk) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation, and
196 collection of taxes on all property subject to taxation.

197 (ll) Taxes: other. To levy and collect such other taxes as may be allowed now or in the
198 future by law.

199 (mm) Taxicabs. To the extent permitted by general law, regulate and license vehicles
200 operated for hire in the town; to limit the number of such vehicles; to require the operators
201 thereof to be licensed; to require public liability insurance on such vehicles in the amounts
202 to be prescribed by ordinance; and to regulate the parking of such vehicles.

203 (nn) Urban redevelopment. To organize and operate an urban redevelopment program.

204 (oo) Other powers. To exercise and enjoy all other powers, functions, rights, privileges, and
205 immunities necessary or desirable to promote or protect the safety, health, peace, security,
206 good order, comfort, convenience, or general welfare of the town and its inhabitants; and to
207 exercise all implied powers necessary or desirable to carry into execution all powers granted
208 in this charter as fully and completely as if such powers were fully stated herein; and to
209 exercise all powers now or in the future authorized to be exercised by other municipal
210 governments under other laws of the State of Georgia; and no listing of particular powers in
211 this charter shall be held to be exclusive of others, nor restrictive of general words and
212 phrases granting powers, but shall be held to be in addition to such powers unless expressly
213 prohibited to municipalities under the Constitution or applicable laws of the State of Georgia.

214 **SECTION 1.14.**

215 Exercise of powers.

216 All powers, functions, rights, privileges, and immunities of the town, its officers, agencies,
217 or employees shall be carried into execution as provided by this charter. If this charter makes
218 no provision, such shall be carried into execution as provided by ordinance or as provided
219 by pertinent laws of the State of Georgia.

220 **ARTICLE II**

221 **GOVERNMENT STRUCTURE**

222 **SECTION 2.10.**

223 Town council creation; number; election.

224 The legislative authority of the government of the town, except as otherwise specifically
225 provided in this charter, shall be vested in a town council to be composed of a mayor and
226 three councilmembers. The town council established shall in all respects be a successor to

227 and continuation of the governing authority under prior law. The mayor and councilmembers
228 shall be elected in the manner provided by general law and this charter.

229

230 **SECTION 2.11.**

231 Town council terms and qualifications for office.

232 The mayor and members of the town council shall serve for terms of four years and until
233 their respective successors are elected and qualified. No person shall be eligible to serve as
234 mayor or councilmember unless that person shall have been a resident of the town for 12
235 months prior to the date of election of mayor or members of the council; each shall continue
236 to reside therein during that member's period of service and to be registered and qualified to
237 vote in municipal elections of the town.

238 **SECTION 2.12.**

239 Vacancies and filling vacancies.

240 (a) Vacancies. The office of mayor or councilmember shall become vacant upon the
241 incumbent's death, resignation, forfeiture of office, or occurrence of any event specified by
242 the Constitution of the State of Georgia, Title 45 of the O.C.G.A., or such other applicable
243 laws as are or may hereafter be enacted.

244 (b) Filling of vacancies. A vacancy in the office of mayor or councilmember shall be filled
245 for the remainder of the unexpired term, if any, by appointment by the town council or those
246 members remaining if less than 12 months remains in the unexpired term. If such vacancy
247 occurs 12 months or more prior to the expiration of the term of that office, it shall be filled
248 for the remainder of the unexpired term by a special election, as provided for in Section 5.14
249 of this charter and in accordance with Titles 21 and 45 of the O.C.G.A., or other such laws
250 as are or may hereafter be enacted.

251 (c) This provision shall also apply to a temporary vacancy created by the suspension from
252 office of the mayor or any councilmember.

253 **SECTION 2.13.**

254 Compensation and expenses.

255 The mayor and council shall receive such salary or compensation as may be fixed by the
256 mayor and council, which shall be subject to change at any time. The mayor and council
257 shall be paid such sums as may be fixed by proper ordinances; but the sum to be paid the
258 mayor as salary shall not be more than \$100.00 per month, and the sums to be paid to the

259 members of the council as salary shall not be more than \$25.00 per month. The latter
260 specified restriction shall not apply to the combined salary of a member of the council and
261 clerk and treasurer when one person fills both offices.

262 **SECTION 2.14.**

263 Conflicts of interest; holding other offices.

264 (a) Elected and appointed officers of the town are trustees and servants of the residents of
265 the town and shall act in a fiduciary capacity for the benefit of such residents.

266 (b) Conflict of interest. No elected official, appointed officer, or employee of the town or
267 any agency or political entity to which this charter applies shall knowingly:

268 (1) Engage in any business or transaction, or have a financial or other personal interest,
269 direct or indirect, which is incompatible with the proper discharge of that person's official
270 duties or which would tend to impair the independence of the official's judgment or action
271 in the performance of those official duties;

272 (2) Engage in or accept private employment, or render services for private interests when
273 such employment or service is incompatible with the proper discharge of that person's
274 official duties or would tend to impair the independence of the official's judgment or action
275 in the performance of those official duties;

276 (3) Disclose confidential information, including information obtained at meetings which
277 are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the property,
278 government, or affairs of the governmental body by which the official is engaged without
279 proper legal authorization; or use such information to advance the financial or other private
280 interest of the official or others;

281 (4) Accept any valuable gift, whether in the form of service, loan, thing, or promise, from
282 any person, firm, or corporation which to the official's knowledge is interested, directly or
283 indirectly, in any manner whatsoever, in business dealings with the governmental body by
284 which the official is engaged; provided, however, that an elected official who is a candidate
285 for public office may accept campaign contributions and services in connection with any
286 such campaign.

287 (5) Represent other private interests in any action or proceeding against the town or any
288 portion of its government; or

289 (6) Vote or otherwise participate in the negotiation or in the making of any contract with
290 any business or entity in which the official has a financial interest.

291 (c) Disclosure. Any elected official, appointed officer, or employee who shall have any
292 financial interest, directly or indirectly, in any contract or matter pending before or within
293 any department of the town shall disclose such interest to the town council. The mayor or

294 any councilmember who has a financial interest in any matter pending before the town
295 council shall disclose such interest and such disclosure shall be entered on the records of the
296 town council, and that official shall disqualify himself or herself from participating in any
297 decision or vote relating thereto. Any elected official, appointed officer, or employee of any
298 agency or political entity to which this charter applies who shall have any financial interest,
299 directly or indirectly, in any contract or matter pending before or within such entity shall
300 disclose such interest to the governing body of such agency or entity.

301 (d) Use of public property. No elected official, appointed officer, or employee of the town
302 or any agency or entity to which this charter applies shall use property owned by such
303 governmental entity for personal benefit or profit but shall use such property only in their
304 capacity as an officer or employee of the town.

305 (e) Contracts voidable and rescindable. Any violation of this section which occurs with the
306 knowledge, express or implied, of a party to a contract or sale shall render said contract or
307 sale voidable at the option of the town council.

308 (f) Ineligibility of elected official. Except where authorized by law, neither the mayor nor
309 any councilmember shall hold any other elective or appointive office in the town or
310 otherwise be employed by such government or any agency thereof during the term for which
311 that official was elected. No former mayor and no former councilmember shall hold any
312 appointive office in the town until one year after the expiration of the term for which that
313 official was elected.

314 (g) Political activities of certain officers and employees. No appointive officer of the town
315 shall continue in such employment upon qualifying as a candidate for nomination or election
316 to any public office. No employee of the town shall continue in such employment upon
317 qualifying for or election to any public office in the town or any other public office which
318 is inconsistent, incompatible, or in conflict with the duties of the town employee. Such
319 determination shall be made by the mayor and council either immediately upon election or
320 at any time such conflict may arise.

321 (h) Penalties for violation:

322 (1) Any town officer or employee who knowingly conceals such financial interest or
323 knowingly violates any of the requirements of this section shall be guilty of malfeasance
324 in office or position and shall be deemed to have forfeited that person's office or position.

325 (2) Any officer or employee of the town who shall forfeit an office or position as described
326 in paragraph (1) of this subsection shall be ineligible for appointment or election to or
327 employment in a position in the town government for a period of three years thereafter.

SECTION 2.15.

Inquiries and investigations.

Following the adoption of an authorizing resolution, the town council may make inquiries and investigations into the affairs of the town and the conduct of any department, office, or agency thereof, and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the town council shall be punished as provided by ordinance.

SECTION 2.16.

General power and authority of the town council.

(a) Except as otherwise provided by law or this charter, the town council shall be vested with all the powers of government of the town.

(b) In addition to all other powers conferred upon it by the law, the council shall have the authority to adopt and provide for the execution of such ordinances, resolutions, rules, and regulations, not inconsistent with this charter and the Constitution and the laws of the State of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order, protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity, or well-being of the inhabitants of the Town of Danville and may enforce such ordinances by imposing penalties for violation thereof.

SECTION 2.17.

Eminent domain.

The town council is hereby empowered to acquire, construct, operate, and maintain public ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries, sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports, hospitals, and charitable, educational, recreational, sport, curative, corrective, detentional, penal, and medical institutions, agencies, and facilities, and any other public improvements inside or outside the town, and to regulate the use thereof, and for such purposes, property may be condemned under procedures established under general law applicable now or as provided in the future.

SECTION 2.18.**Organizational meetings.**

The town council shall hold an organizational meeting as prescribed by ordinance. The meeting shall be called to order by the town clerk, and the oath of office shall be administered to the newly elected members by a judicial officer authorized to administer oaths and shall, to the extent that it comports with federal and state law, be as follows:

"I do solemnly swear that I will faithfully perform the duties of (mayor)(councilmember) of this town and that I will support and defend the charter thereof as well as the Constitution and laws of the State of Georgia and of the United States of America. I am not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof. I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I by the laws of the State of Georgia am prohibited from holding. I am otherwise qualified to hold such office according to the Constitution and laws of Georgia. I have been a resident of the Town of Danville for the time required by the Constitution and laws of this state and by the municipal charter. I will perform the duties of my office in the best interest of the Town of Danville to the best of my ability without fear, favor, affection, reward, or expectation thereof."

SECTION 2.19.**Regular and special meetings.**

(a) The town council shall hold regular meetings at such times and places as shall be prescribed by ordinance.

(b) Special meetings of the town council may be held on call by the mayor or any member of council. Notice of such special meetings shall be served on all other members personally, or by telephone personally, at least 48 hours in advance of the meeting. Such notice to councilmembers shall not be required if the mayor and all councilmembers are present when the special meeting is called. Such notice of any special meeting may be waived by a councilmember in writing before or after such a meeting, and attendance at the meeting shall also constitute a waiver of notice on any business transacted in such councilmember's presence. Only the business stated in the call may be transacted at the special meeting.

(c) All meetings of the town council shall be public to the extent required by law and notice to the public of special meetings shall be made fully as is reasonably possible as provided by Code Section 50-14-1 of the O.C.G.A., or other such applicable laws as are or may hereafter be enacted.

SECTION 2.20.

Rules of procedure.

(a) The town council shall adopt its rules of procedure and order of business consistent with the provisions of this charter and shall provide for keeping a journal of its proceedings, which shall be a public record.

(b) All committees and committee chairs and officers of the town council shall be appointed by the mayor and shall serve at the pleasure of the mayor. The mayor shall have the power to appoint new members to any committee at any time.

SECTION 2.21.

Quorum; voting.

(a) Two councilmembers shall constitute a quorum and shall be authorized to transact business of the town council. Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded in the journal, but any member of the town council shall have the right to request a roll call vote and such vote shall be recorded in the journal. Except as otherwise provided in this charter, the affirmative vote of two councilmembers shall be required for the adoption of any ordinance, resolution, or motion.

(b) No member of the town council shall abstain from voting on any matter properly brought before the council for official action except when such councilmember has a conflict of interest which is disclosed in writing prior to or at the meeting and made a part of the minutes. Any member of the town council present and eligible to vote on a matter and refusing to do so for any reason other than a properly disclosed and recorded conflict of interest shall be deemed to have acquiesced or concurred with the members of the majority who did vote on the question involved.

SECTION 2.22.

Ordinance form; procedures.

(a) Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be "It is hereby ordained by the governing authority of the Town of Danville" and every ordinance shall so begin.

(b) An ordinance may be introduced by any councilmember and be read at a regular or special meeting of the town council. Ordinances shall be considered and adopted or rejected by the town council in accordance with the rules which it shall establish; provided, however,

422 an ordinance shall not be adopted the same day it is introduced, except for emergency
423 ordinances as provided in Section 2.24 of this charter. Upon introduction of any ordinance,
424 the clerk shall as soon as possible distribute a copy to the mayor and to each councilmember
425 and shall file a reasonable number of copies in the office of the clerk and at such other public
426 places as the town council may designate.

427 **SECTION 2.23.**

428 Action requiring an ordinance.

429 Acts of the town council which have the force and effect of law shall be enacted by
430 ordinance.

431 **SECTION 2.24.**

432 Emergencies.

433 (a) To meet a public emergency affecting life, health, property, or public peace, the town
434 council may convene on call of the mayor or two councilmembers and promptly adopt an
435 emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a
436 franchise; regulate the rate charged by any public utility for its services; or authorize the
437 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance
438 shall be introduced in the form prescribed for ordinances generally, except that it shall be
439 plainly designated as an emergency ordinance and shall contain, after the enacting clause,
440 a declaration stating that an emergency exists, and describing the emergency in clear and
441 specific terms. An emergency ordinance may be adopted, with or without amendment, or
442 rejected at the meeting at which it is introduced, but the affirmative vote of at least two
443 councilmembers shall be required for adoption. It shall become effective upon adoption or
444 at such later time as it may specify. Every emergency ordinance shall automatically stand
445 repealed 30 days following the date upon which it was adopted, but this shall not prevent
446 reenactment of the ordinance in the manner specified in this section if the emergency still
447 exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance
448 in the same manner specified in this section for adoption of emergency ordinances.

449 (b) Such meetings shall be open to the public to the extent required by law and notice to the
450 public of emergency meetings shall be made as fully as is reasonably possible in accordance
451 with Section 50-14-1 of the O.C.G.A., or such other applicable laws as are or may hereafter
452 be enacted.

SECTION 2.25.

Codes of technical regulations.

(a) The town council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such adopting ordinance shall be as prescribed for ordinances in general except that:

(1) The requirements of Section 2.22(b) of this charter for distribution and filing of copies of the ordinance shall be construed to include copies of any code of technical regulations, as well as the adopting ordinance; and

(2) A copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to Section 2.26 of this charter.

(b) Copies of any adopted code of technical regulations shall be made available by the clerk for inspection by the public.

SECTION 2.26.

Signing; authenticating; recording; codification; printing.

(a) The clerk shall authenticate by the clerk's signature and record in full in a properly indexed book kept for that purpose all ordinances adopted by the council.

(b) The town council shall provide for the preparation of a general codification of all the ordinances of the town having the force and effect of law. The general codification shall be adopted by the town council by ordinance and shall be published promptly, together with all amendments thereto and such codes of technical regulations and other rules and regulations as the town council may specify. This compilation shall be known and cited officially as "The Code of the Town of Danville, Georgia." Copies of the code shall be furnished to all officers, departments, and agencies of the town, and made available for purchase by the public at a reasonable price as fixed by the town council.

(c) The town council shall cause each ordinance and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances and charter amendments shall be made available for purchase by the public at reasonable prices to be fixed by the town council. Following publication of the first code under this charter and at all times thereafter, the ordinances and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for incorporation therein. The town council shall make such further arrangements as deemed desirable with reproduction and distribution of any current changes in or additions to codes of technical regulations and other rules and regulations included in the code.

SECTION 2.27.

Town administration.

Matters concerning town administration should go through the mayor or a councilmember designated by the mayor.

SECTION 2.28.

Selection of mayor and mayor pro tem.

At each regular election, the voters of the town shall elect a mayor at large for a term of four years. The council shall elect from among its members a mayor pro tem who shall act as mayor during the absence or disability of the mayor, but shall only vote once on matters before the council, and if a vacancy occurs, shall become mayor for the remainder of the expired term.

SECTION 2.29.

Powers and duties of mayor.

The mayor shall:

- (a) Preside at all meetings of town and council;
- (b) Be the head of the town for the purpose of service of process and for ceremonial purposes, and be the official spokesperson for the town and the chief advocate of policy;
- (c) Have power to administer oaths and to take affidavits;
- (d) Sign as a matter of course on behalf of the town all written and approved contracts, ordinances, and other instruments executed by the town which by law are required to be in writing;
- (e) Serve in any administrative or official capacity as deemed necessary by the town council;
- (f) Be responsible for the preparation of a position classification and pay plan which shall be submitted to the town council for approval. Such plan may apply to all employees of the town and any of its agencies, departments, boards, commissions, or authorities. When a pay plan has been adopted, the town council shall not increase or decrease the salary range applicable to any position except by amendment of such pay plan. For purposes of this section, all elected and appointed town officials are not town employees.
- (g) Direct and supervise the administration of all departments, offices, and agencies of the town, except as otherwise provided by this charter or by law;

517 (h) See that all laws, provisions of this charter, and acts of the town council, subject to
518 enforcement by the mayor and council or by officers subject to the mayor and council's
519 direction and supervision, are faithfully executed;

520 (i) Prepare and submit the annual operating budget and capital budget to the town council;

521 (j) Submit to the town council and make available to the public a complete report on the
522 finances and administrative activities of the town as of the end of each fiscal year;

523 (k) Make such other reports as the town council may require concerning the operations of
524 town departments, offices, and agencies subject to the mayor and council's direction and
525 supervision; and

526 (l) Keep the town council fully advised as to the financial condition and future needs of the
527 town, and make such recommendations to the town council and concerning the affairs of the
528 town as the mayor and clerk deem desirable.

529 **SECTION 2.30.**

530 Position of mayor pro tem.

531 During the absence or physical or mental disability of the mayor for any cause, the mayor
532 pro tem, or in the mayor pro tem's absence or disability for any reason, any one of the
533 councilmembers chosen by a majority vote of the town council, shall be clothed with all the
534 rights and privileges of the mayor and shall perform the duties of the office of the mayor so
535 long as such absence or disability shall continue. Any such absence or disability shall be
536 declared by majority vote of all councilmembers. The mayor pro tem or selected
537 councilmember shall sign all contracts and ordinances in which the mayor has a disqualifying
538 financial interest as provided in Section 2.14 of this charter. When acting as mayor, the
539 mayor pro tem shall continue to have only one vote as a member of the council.

540 **ARTICLE III**

541 **ADMINISTRATIVE AFFAIRS**

542 **SECTION 3.10.**

543 Administrative and service departments.

544 (a) Except as otherwise provided in this charter, the town council, by ordinance, shall
545 prescribe the functions or duties, and establish, abolish, alter, consolidate, or leave vacant all
546 nonelective offices, positions of employment, departments, and agencies of the town, as
547 necessary for the proper administration of the affairs and government of the town.

548 (b) Except as otherwise provided by this charter or by law, the directors of departments and
549 other appointed officers of the town shall be appointed solely on the basis of their respective
550 administrative and professional qualifications.

551 (c) All appointive officers and directors of departments shall receive such compensation as
552 prescribed by ordinance or resolution.

553 (d) There may be a director of each department or agency who shall be its principal officer.
554 Each director shall, subject to the direction and supervision of the appointing authority, be
555 responsible for the administration and direction of the affairs and operations of that director's
556 department or agency.

557 (e) All appointive officers and directors under the supervision of the appointing authority
558 shall be nominated by the mayor or any member of the town council with confirmation of
559 appointment by the town council. All appointive officers and directors shall be employees
560 at will and subject to removal or suspension at any time by the appointing authority unless
561 otherwise provided by law or ordinance.

562 **SECTION 3.11.**

563 **Boards, commissions, and authorities.**

564 (a) The town council may create by ordinance such boards, commissions, and authorities to
565 fulfill any investigative, quasi-judicial, or quasi-legislative function the town council deems
566 necessary, and shall by ordinance establish the composition, period of existence, duties, and
567 powers thereof.

568 (b) All members of boards, commissions, and authorities of the town shall be appointed by
569 the town council for such terms of office and in such manner as shall be provided by
570 ordinance, except where other appointing authority, terms of office, or manner of
571 appointment is prescribed by this charter or by law.

572 (c) The town council, by ordinance, may provide for the compensation and reimbursement
573 for actual and necessary expenses of the members of any board, commission, or authority.

574 (d) Except as otherwise provided by charter or by law, no member of any board,
575 commission, or authority shall hold an elective office in the town.

576 (e) Any vacancy on a board, commission, or authority of the town shall be filled for the
577 unexpired term in the manner prescribed herein for original appointment, except as otherwise
578 provided by this charter or by law.

579 (f) No member of a board, commission, or authority shall assume office until that person has
580 executed and filed with the clerk of the town an oath obligating himself or herself to
581 faithfully and impartially perform the duties of that member's office, such oath to be
582 prescribed by ordinance and administered by the mayor.

583 (g) All board members serve at will and may be removed at any time by a vote of two
584 members of the town council unless otherwise provided by law.

585 (h) Except as otherwise provided by this charter or by law, each board, commission, or
586 authority of the town shall elect one of its members as chair and one member as vice chair,
587 and may elect as its secretary one of its own members or may appoint as secretary an
588 employee of the town. Each board, commission, or authority of the town government may
589 establish such bylaws, rules, and regulations, not inconsistent with this charter, ordinances
590 of the town, or law, as it deems appropriate and necessary for the fulfillment of its duties or
591 the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with
592 the clerk of the town.

593 **SECTION 3.12.**

594 Town attorney.

595 (a) The town council shall appoint a town attorney, together with such assistant town
596 attorneys as may be authorized and shall provide for the payment of such attorney or
597 attorneys for services rendered to the town. The town attorney shall be responsible for
598 providing for the representation and defense of the town in all litigation in which the town
599 is a party; may be the prosecuting officer in the municipal court; shall attend the meetings
600 of the council as directed; shall advise the town council, mayor, and other officers and
601 employees of the town concerning legal aspects of the town's affairs; and shall perform such
602 other duties as may be required by virtue of the person's position as town attorney.

603 (b) The town attorney is not a public official of the town and does not take an oath of office.
604 The town attorney shall at all times be an independent contractor. A law firm, rather than
605 an individual, may be designated as the town attorney.

606 **SECTION 3.13.**

607 Town clerk.

608 The town council shall appoint a town clerk, also known as the clerk, who shall not be a
609 councilmember. The town clerk shall be custodian of the official town seal and town
610 records; maintain town council records required by this charter; and perform such other
611 duties as may be required by the town council.

SECTION 3.14.

Personnel policies.

All employees serve at will and may be removed from office at any time unless otherwise provided by ordinance.

ARTICLE IV**MUNICIPAL COURT****SECTION 4.10.**

Creation and name.

(a) The town council may establish a Municipal Court of the Town of Danville.

(b) If the municipal court is not established, judicial proceedings for the Town of Danville shall go through either the courts of Twiggs County or Wilkinson County depending on where the offense occurred and as provided by general law.

(c) If established, the municipal court shall be presided over by a chief judge and such part time, full time, or standby judges as shall be provided by ordinance.

(d) No person shall be qualified or eligible to serve as a judge on the municipal court unless that person shall have attained the age of 21 years, shall be a member of the State Bar of Georgia, and shall possess all qualifications required by law. All judges shall be appointed by the town council and shall serve until a successor is appointed and qualified.

(e) Compensation of the judges shall be fixed by ordinance.

(f) Judges may be removed from office as provided by general law.

(g) Before assuming office, each judge shall take an oath, given by the mayor, that the judge will honestly and faithfully discharge the duties of the office to the best of that person's ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of the town council journal required in Section 2.20 of this charter.

SECTION 4.11.

Convening.

If established, the municipal court shall be convened at regular intervals as provided by ordinance.

SECTION 4.12.

Jurisdiction; powers.

(a) If established pursuant to Section 4.10, the municipal court shall have jurisdiction and authority to try and punish violations of this charter, all town ordinances, and such other violations as provided by law.

(b) The municipal court shall have authority to punish those in its presence for contempt, provided that such punishment shall not exceed \$200.00 or ten days in jail.

(c) The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of \$1,000.00 or imprisonment for 180 days or both such fine and imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing as now or hereafter provided by law.

(d) The municipal court shall have authority to establish a schedule of fees to defray the cost of operation, and shall be entitled to reimbursement of the cost of meals, transportation, and caretaking of prisoners bound over to superior courts for violations of state law.

(e) The municipal court shall have authority to establish bail and recognizance to ensure the presence of those charged with violations before such court, and shall have discretionary authority to accept cash or personal or real property as surety for the appearance of persons charged with violations. Whenever any person shall give bail for his or her appearance and shall fail to appear at that time fixed for trial, the bond shall be forfeited by the judge presiding at such time, and an execution issued thereon by serving the defendant and the defendant's sureties with a rule nisi at least two days before a hearing on the rule nisi. In the event that cash or property is accepted in lieu of bond for security for the appearance of a defendant at trial, and such defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the town, or the property so deposited shall have a lien against it for the value forfeited which lien shall be enforceable in the same manner and to the same extent as a lien for town property taxes.

(f) The municipal court shall have the same authority as superior courts to compel the production of evidence in the possession of any party; to enforce obedience to its orders, judgments, and sentences; and to administer such oaths as are necessary.

(g) The municipal court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summonses, subpoenas, and warrants which may be served as executed by any officer as authorized by this charter or by law.

(h) Each judge of the municipal court shall be authorized to issue warrants for the arrest of persons charged with offenses against any ordinance of the town, and each judge of the municipal court shall have the same authority as a magistrate of the state to issue warrants for offenses against state laws committed within the corporate limits of the town.

SECTION 4.13.

Certiorari.

The right of certiorari from the decision and judgment of the municipal court shall exist in all criminal cases and ordinance violation cases, and such certiorari shall be obtained under the sanction of a judge of the Superior Court of Twiggs County under the laws of the State of Georgia regulating the granting and issuance of writs of certiorari.

SECTION 4.14.

Rules for court.

With the approval of the town council, the judge shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court; provided, however, that the town council may adopt in part or in whole the rules and regulations applicable to municipal courts. The rules and regulations made or adopted shall be filed with the town clerk, shall be available for public inspection, and upon request, a copy shall be furnished to all defendants in municipal court proceedings at least 48 hours prior to said proceedings.

ARTICLE V**ELECTIONS AND REMOVAL****SECTION 5.10.**

Applicability of general law.

All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

SECTION 5.11.

Election of the town council and mayor.

(a) There shall be a municipal general election every four years on the Tuesday next following first Monday in November.

(b) There shall be elected the mayor and three town councilmembers at the election. Terms shall be for four years.

SECTION 5.12.

Nonpartisan elections.

Political parties shall not conduct primaries for town offices and all names of candidates for town offices shall be listed without party designations.

SECTION 5.13.

Election by plurality.

The person receiving a plurality of the votes cast for any town office shall be elected.

SECTION 5.14.

Special elections; vacancies.

In the event that the office of mayor or councilmember shall become vacant as provided in Section 2.12 of this charter, the town council or those remaining shall order a special election to fill the balance of the unexpired term of such official; provided, however, if such vacancy occurs within 12 months of the expiration of the term of that office, the town council or those remaining shall appoint a successor for the remainder of the term. In all other respects, the special election shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

SECTION 5.15.

Other provisions.

Except as otherwise provided by this charter, the town council shall, by ordinance, prescribe such rules and regulations as it deems appropriate to fulfill any options and duties under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

SECTION 5.16.

Removal of officers.

(a) The mayor, councilmembers, or other appointed officers provided for in this charter shall be removed from office for any one or more of the causes provided in Title 45 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted.

(b) Removal of an officer pursuant to subsection (a) of this section shall be accomplished by one of the following methods:

(1) Following hearing at which an impartial panel shall render a decision. In the event an elected officer is sought to be removed by the action of the town council, such officer shall be entitled to a written notice specifying the ground or grounds for removal and to a public hearing which shall be held not less than ten days after the service of such written notice. The town council shall provide by ordinance for the manner in which such hearings shall be held. Any elected officer sought to be removed from office as herein provided shall have the right of appeal from the decision of the town council to the Superior Court of Twiggs County. Such appeal shall be governed by the same rules as govern appeals to the superior court from the probate court; and/or

(2) By an order of the Superior Court of Twiggs County following a hearing on a complaint seeking such removal brought by any resident of the Town of Danville.

ARTICLE VI

FINANCE

SECTION 6.10.

Property tax.

The town council may assess, levy, and collect an ad valorem tax on all real and personal property within the corporate limits of the town that is subject to such taxation by the state and county. This tax is for the purpose of raising revenues to defray the costs of operating the town government, of providing governmental services, for the repayment of principal and interest on general obligations, and for any other public purpose as determined by the town council in its discretion.

SECTION 6.11.

Millage rate; due dates; payment methods.

The town council, by ordinance, shall establish a millage rate for the town property tax, a due date, and the time period within which these taxes must be paid. The town council, by ordinance, may provide for the payment of these taxes by installments or in one lump sum, as well as authorize the voluntary payment of taxes prior to the time when due.

SECTION 6.12.

Occupation and business taxes.

The town council by ordinance shall have the power to levy such corporation or business taxes as authorized by general law. The town council may classify businesses, occupations, or professions for the purpose of such taxation in any way which may be lawful and may compel the payment of such taxes as provided in Section 6.18 of this charter.

SECTION 6.13.

Regulatory fees; permits.

The town council by ordinance shall have the power to require businesses or practitioners doing business within the town to obtain a permit for such activity from the town and pay a reasonable regulatory fee for such permit as provided by general law. Such fees shall reflect the total cost to the town of regulating the activity, and if unpaid, shall be collected as provided in Section 6.18 of this charter.

SECTION 6.14.

Franchises.

(a) The town council shall have the power to grant franchises for the use of the town's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, electric membership corporations, cable television and other telecommunications companies, gas companies, transportation companies, and other similar organizations. The town council shall determine the duration, terms, whether the same shall be exclusive or nonexclusive, and the consideration for such franchises; provided, however, no franchise shall be granted for a period in excess of 35 years and no franchise shall be granted unless the town receives just and adequate compensation therefor. The town council shall provide for the registration of all franchises with the town clerk in a registration book kept by the clerk. The town council may provide by ordinance for the registration within a reasonable time of all franchises previously granted.

(b) If no franchise agreement is in effect, the town council has the authority to impose a tax on gross receipts for the use of the town's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, electric membership corporations, cable television and other telecommunications companies, gas companies, transportation companies, and other similar organizations.

789 **SECTION 6.15.**

790 Service charges.

791 The town council by ordinance shall have the power to assess and collect fees, charges,
792 assessments, and tolls for sewers, sanitary and health services, or any other services provided
793 or made available within and without the corporate limits of the town. If unpaid, such
794 charges shall be collected as provided in Section 6.18 of this charter.

795 **SECTION 6.16.**

796 Special assessments.

797 The town council by ordinance shall have the power to assess and collect the cost of
798 constructing, reconstructing, widening, or improving any public way, street, sidewalk,
799 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property
800 owners. If unpaid, such charges shall be collected as provided in Section 6.18 of this charter.

801 **SECTION 6.17.**

802 Construction; other taxes and fees.

803 The town shall be empowered to levy any other tax or fee allowed now or hereafter by law,
804 and the specific mention of any right, power, or authority in this article shall not be construed
805 as limiting in any way the general powers of the town to govern its local affairs.

806 **SECTION 6.18.**

807 Collection of delinquent taxes and fees.

808 The town council shall have the power to issue bonds for the purpose of raising revenue to
809 carry out any project, program, or venture authorized under this charter or the laws of the
810 state. Such bonding authority shall be exercised in accordance with the laws governing bond
811 issuance by municipalities in effect at the time such issue is undertaken.

812 **SECTION 6.19.**

813 General obligation bonds.

814 The town council shall have the power to issue bonds for the purpose of raising revenue to
815 carry out any project, program, or venture authorized under this charter or the laws of the

816 state. Such bonding authority shall be exercised in accordance with the laws governing bond
817 issuance by municipalities in effect at the time such issue is undertaken.

818 **SECTION 6.20.**

819 Revenue bonds.

820 Revenue bonds may be issued by the town council as state law now or hereafter provides.
821 Such bonds are to be paid out of any revenue produced by the project, program, or venture
822 for which they were issued.

823 **SECTION 6.21.**

824 Short-term loans.

825 The town may obtain short-term loans and must repay such loans not later than December 31
826 of each year, unless otherwise provided by law.

827 **SECTION 6.22.**

828 Lease-purchase contracts.

829 The town may enter into multiyear lease, purchase, or lease-purchase contracts for the
830 acquisition of goods, materials, real and personal property, services, and supplies provided
831 the contract terminates without further obligation on the part of the municipality at the close
832 of the calendar year in which it was executed and at the close of each succeeding calendar
833 year for which it may be renewed. Contracts must be executed in accordance with the
834 requirements of Code Section 36-60-13 of the O.C.G.A. or other such applicable laws as are
835 or may hereafter be enacted.

836 **SECTION 6.23.**

837 Fiscal year.

838 The town council shall set the fiscal year by ordinance. This fiscal year shall constitute the
839 budget year and the year for financial accounting and reporting of each and every office,
840 department, agency, and activity of the town government unless otherwise provided by state
841 or federal law.

SECTION 6.24.

Preparation of budgets.

The town council shall provide an ordinance on the procedures and requirements for the preparation and execution of an annual operating budget, a capital improvement plan, and a capital budget, including requirements as to the scope, content, and form of such budgets and plans.

SECTION 6.25.

Submission of operating budget to town council.

On or before a date fixed by the town council but not later than 30 days prior to the beginning of each fiscal year, the mayor shall submit to the town council a proposed operating budget for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor containing a statement of the general fiscal policies of the town, the important features of the budget, explanations of major changes recommended for the next fiscal year, a general summary of the budget, and other pertinent comments and information. The operating budget and the capital budget hereinafter provided for, the budget message, and all supporting documents shall be filed in the office of the town clerk and shall be open to public inspection.

SECTION 6.26.

Action by town council on budget.

(a) The town council may amend the operating budget proposed by the mayor; provided that, the budget as finally amended and adopted must provide for all expenditures required by state law or by other provisions of this charter and for all debt service requirements for the ensuing fiscal year, and the total appropriations from any fund shall not exceed the estimated fund balance, reserves, and revenues.

(b) The town council by ordinance shall adopt the final operating budget by a time each fiscal year as enumerated in such ordinance. If the town council fails to adopt the budget by this date, the amounts appropriated for operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly until such time as the town council adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting out the estimated revenues in detail by sources and making appropriations according to fund and by

873 organizational unit, purpose, or activity as set out in the budget preparation ordinance
874 adopted pursuant to Section 6.24 of this charter.

875 (c) The amount set out in the adopted operating budget for each organizational unit shall
876 constitute the annual appropriation for such, and no expenditure shall be made or
877 encumbrance created in excess of the otherwise unencumbered balance of the appropriations
878 or allotment thereof to which it is chargeable.

879 **SECTION 6.27.**

880 Tax levies.

881 The town council shall levy by ordinance such taxes as are necessary. The taxes and tax
882 rates set by such ordinances shall be such that reasonable estimates of revenues from such
883 levy shall at least be sufficient, together with other anticipated revenues, fund balances, and
884 applicable reserves, to equal the total amount appropriated for each of the several funds set
885 forth in the annual operating budget for defraying the expenses of the general government
886 of the town.

887 **SECTION 6.28.**

888 Changes in appropriations.

889 The town council by ordinance may make changes in the appropriations contained in the
890 current operating budget at any regular, special, or emergency meeting called for such
891 purpose, but any additional appropriations may be made only from an existing unexpended
892 surplus.

893 **SECTION 6.29.**

894 Capital budget.

895 (a) On or before the date fixed by the town council but no later than 30 days prior to the
896 beginning of each fiscal year, the mayor shall submit to the town council a proposed capital
897 improvements plan with a recommended capital budget containing the means of financing
898 the improvements proposed for the ensuing fiscal year. The town council shall have power
899 to accept, with or without amendments, or reject the proposed plan and proposed budget.
900 The town council shall not authorize an expenditure for the construction of any building,
901 structure, work, or improvement, unless the appropriations for such project are included in
902 the capital budget, except to meet a public emergency as provided in Section 2.24 of this
903 charter.

904 (b) The town council shall adopt by ordinance the final capital budget for the ensuing fiscal
905 year not later than a time set by the town council by ordinance. No appropriations provided
906 for in a prior capital budget shall lapse until the purpose for which the appropriation was
907 made shall have been accomplished or abandoned; provided, however, the town council may
908 submit amendments to the capital budget at any time during the fiscal year, accompanied by
909 recommendations. Any such amendments to the capital budget shall become effective only
910 upon adoption by ordinance.

911 **SECTION 6.30.**

912 Independent audit.

913 There shall be an annual independent audit of all town accounts, funds, and financial
914 transactions by a certified public accountant selected by the town council. The audit shall
915 be conducted according to generally accepted auditing principles. Any audit of any funds
916 by the state or federal governments may be accepted as satisfying the requirements of this
917 charter. Copies of annual audit reports shall be available at printing costs to the public.

918 **SECTION 6.31.**

919 Contracting procedures.

920 No contract with the town shall be binding on the town unless:

- 921 (1) It is in writing;
- 922 (2) It is drawn by or submitted to and reviewed by the town attorney, and as a matter of
923 course, is signed by the town attorney to indicate such drafting or review; and
- 924 (3) It is made or authorized by the town council and such approval is entered in the town
925 council journal of proceedings pursuant to Section 2.20 of this charter.

926 **SECTION 6.32.**

927 Centralized purchasing.

928 The town council shall by ordinance prescribe procedures for a system of centralized
929 purchasing for the town.

930 **SECTION 6.33.**

931 Sale and lease of town property.

932 The town council may sell and convey or lease any real or personal property owned or held
933 by the town for governmental or other purposes as now or hereafter provided by law.

934 **ARTICLE VII**

935 **GENERAL PROVISIONS**

936 **SECTION 7.10.**

937 Bonds for officials.

938 The officers and employees of the town, both elective and appointive, shall execute such
939 surety or fidelity bonds in such amounts and upon such terms and conditions as the town
940 council shall from time to time require by ordinance or as may be provided by law.

941 **SECTION 7.11.**

942 Prior ordinances.

943 All ordinances, resolutions, rules, and regulations now in force in the town not inconsistent
944 with this charter are hereby declared valid and of full effect and force until amended or
945 repealed by the town council.

946 **SECTION 7.12.**

947 Existing personnel and officers.

948 Except as specifically provided otherwise by this charter, all personnel and officers of the
949 town and their rights, privileges, and powers shall continue beyond the time this charter takes
950 effect.

951 **SECTION 7.13.**

952 Pending matters.

953 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,
954 contracts, and legal or administrative proceedings shall continue, and any such ongoing work
955 or cases shall be completed by such town agencies, personnel, or offices as may be provided
956 by the town council.

SECTION 7.14.

Construction.

(a) Section captions in this charter are informative only and are not to be considered as part thereof.

(b) The word "shall" is mandatory, and the word "may" is permissive.

(c) The singular shall include the plural, the masculine shall include the feminine, and vice versa.

SECTION 7.15.

Severability.

If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair other parts of this charter unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional, it being the legislative intent in enacting this charter that each article, section, subsection, paragraph, sentence, or part thereof be enacted separately and independent of each other.

SECTION 7.16.

Specific repealer.

An Act to provide a new charter for the Town of Danville, approved April 30, 2013 (Ga. L. 2013, p. 3874), is hereby repealed in its entirety and all amendatory acts thereof are likewise repealed in their entirety.

SECTION 7.17.

Effective date.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 7.18.

General repealer.

All laws and parts of laws in conflict with this Act are hereby repealed.